

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Melvin G. & Lerah L. Parker
PO Box 609
Libby, MT 59923
2. *Type of action:* Permit to Appropriate Water 76D-30023375
3. *Water source name:* Kootenai River
4. *Location affected by action:* SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 31N, Range 30W, Lincoln Co.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The Department shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. The applicant is seeking a water use permit for 55 gpm from the Kootenai River to irrigate 14.2 acres of lawn & garden from March 15 to September 30 inclusive of each year. A five horsepower pump will be used, which is typical for surface water diversions of this nature throughout northwestern Montana. The applicant will benefit by landscaping with shrubs and flowers. This land has been part of a Super Fund Cleanup for 7-years and is ready for irrigation with the Kootenai River replacing Rainy Creek as a water source until the EPA determines Rainy Creek is once again a useable source of water for irrigation.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

This is an EPA Super Fund Cleanup Site in Libby, MT.
Montana Natural Heritage Program

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: The source is identified as chronically dewatered from the Libby Dam to the Montana/Idaho border. The river flows are completely regulated at the dam on Lake Koocanusa with a minimum of 4000 cfs released. The requested 55 gpm is .00003 percent of the total minimum flow. The amount is imperceptible and will not worsen the dewatered condition.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: The Kootenai River is listed on the Montana 303(d) list, which is a list of impaired and threatened waterbodies in need of water quality restoration. As stated above the requested amount is so small it is imperceptible when compared to the Libby Dam releases and the flow of the river controlled by the US Army Corps of Engineers. This minimal use will not impact the aquatic life and cold-water fishery of the Kootenai River beyond the impact already created by the Libby Dam.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: This use of surface water will have no impact on groundwater.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: Based on the temporary nature of the portable pump there will be no impacts to the channel or modifications to the flow. No barriers will be created nor will riparian areas be impacted. Well construction and dams are not applicable to the project area.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: The 55 gpm of water from the Kootenai River is imperceptible regarding impact to the source. The Montana Natural Heritage Program was contacted to determine proximity of threatened or endangered fish, wildlife, plants or "species of special concern", if any. Bull Trout are currently endangered throughout western Montana except the Yaak River drainage above Yaak Falls. Jim Vashro from the Montana Department of Fish, Wildlife & Parks was contacted regarding possible effect to Bull Trout. Jim felt there would be no adverse impact because Bull

Trout spawn in the headwaters of a drainage, which is forest service land. They rear in these headwaters for two to three years at which time they reach 6 to 9 inches in length before moving downstream to faster deeper water such as the Kootenai River. By the time they move down and in to the river they are large enough the low velocity intake does not pose a danger to this sub-adult size *Salvelinus Confluentus* Pop 2.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: The project does not involve or impact wetlands.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: The project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: Dominantly brown podzolic soil contaminated by vermiculite containing asbestos has been removed from this superfund cleanup and restoration site. The EPA trucked in new soil to replace the contaminated soil and planted turf. No impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: Vegetative cover in its natural state would consist of native grass, brush and small patches of timber along the Kootenai River. The current grass cover is planted turf needing irrigation and manicured to help eliminate the spread of noxious weeds. No Impact.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: The project most likely will not effect air quality and has the potential to help eliminate dust.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: The Montana Historical Society found two sites; 24LN13 & 24LN838 recorded as prehistoric lithic scatters. These are in the area but not within the project site. Based on the temporary nature of the portable pump that will be used coupled with already replaced soil there is a low likelihood of impacting cultural properties.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No other impacts have been identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The area is situated along the bank of the Kootenai River with many homes that have a lawn and garden and parcels of land being irrigated. The use is consistent with the land use of the area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: There will be no impact to the quality of recreation or wilderness activities nor will access be denied to any established recreation areas. No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: The project does not effect human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No_X_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Not Applicable

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No
- (b) Local and state tax base and tax revenues? No
- (c) Existing land uses? No
- (d) Quantity and distribution of employment? No
- (e) Distribution and density of population and housing? No
- (f) Demands for government services? No

(g) Industrial and commercial activity? No

(h) Utilities? No

(i) Transportation? No

(j) Safety? No

(k) Other appropriate social and economic circumstances? No

2. ***Secondary and cumulative impacts on the physical environment and human population:*** Cumulative impacts are limited by available river frontage for development.
3. ***Describe any mitigation/stipulation measures:*** No mitigation measures are required or necessary.
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** No action would result in no permit and not irrigating from the Kootenai River and an alternative would be to use a well.

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified; therefore, no EIS is necessary.

Name of person(s) responsible for preparation of EA:

Name: Rich Russell

Title: Water Resources Specialist

Date: July 31, 2006